

#4

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Damion L. Hankejh et al

Examiner:

Serial No.: 09/326,258

Group Art Unit:

2731

Filing Date: 06/04/1999

Attorney Docket No.:

SESSIO.P01

Title of Invention: Real Time Internet Communications System

Seattle, Washington 98101

November 24, 1999

TO THE ASSISTANT COMMISSIONER FOR PATENTS

Washington, D.C. 20231

## Petition under 37 CFR 1.47 (4)

Applicant respectfully petitions the Commissioner under 37 CFR 1.47 to accept as complete less than all of the signatures and powers of attorney for the named inventors in the captioned application. The appropriate fee under 37 CFR 1.17(h) is filed herewith. Applicant has not been able to reach Inventor Jothan Frakes to obtain his signature on the appropriate Power of Attorney and Declaration forms (see attached Declaration of Michael J. Lande).

All other inventors have signed the appropriate documents and they are submitted concurrently herewith. Mr. Hankejh has signed a power of attorney and declaration on behalf of himself and Mr. Frakes, as indicated by the blank signature block for Mr. Frakes on Mr. Hankejh's combined power of attorney and declaration form. In addition, Mr. Frakes had earlier assigned his interest in a predecessor provisional application, 60/088141 (see copy of assignment attached to Lande Declaration), to Sessio, Inc. who is common assignee for all named inventors. Mr. Lande as CEO of Sessio, Inc. has also signed a Verified Statement of Small Entity (Small Business), submitted concurrently herewith. Alternatively therefore this may also be considered a petition under 35 USC 118.

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Respectfully submitted,

PATRICK MICHAEL DWYER

Reg. No. 32,411

P01-MSGP.PET

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11/30/1999 HKAMARA 00000170 09326258

04 FC:122

130.00 DP

## CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D. C. 20231.

November 24, 1999

Patrick Dwyer

1-8PCRT.INS



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Declaration of Michael J. Lande

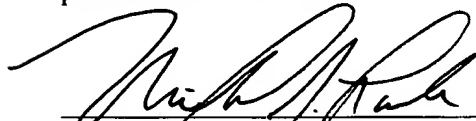
1. I am CEO of Sessio, Inc., a Washington corporation located at 600 University Street, Suite 2250, Seattle, WA 98101. Sessio is assignee of all right, title and interest from Jothan Frakes to that certain provisional patent application serial number 60/088141 filed June 5, 1998 in the United States Patent Office.

2. Jothan Frakes is a named inventor in provisional application 60/088141, and in the captioned patent application. Provisional application 60/088141 was named as a priority document for the above captioned patent application. The subject matter of the provisional application is now a part of the captioned application, and the assignment Mr. Frakes executed includes an assignment of all rights to related applications, so we have his assignment of the captioned application as well.

3. By the time we decided to file the instant US section 111a patent application claiming priority to the referenced provisional application in early June of 1999, Mr. Frakes had already left the company without leaving a forwarding address, and we have been unable to locate him since that time. Since June 1999 we have tried his old phone number and sent executable copies of power of attorney and verified statement documents for the captioned application to his old address of 22428 - 127th Avenue SE, Kent, WA 98031. We have also unsuccessfully queried his former employer, JOPPA Inc. at 219 First Avenue, Suite 400, Seattle, WA 98104. We have received nothing back from him and no word of his whereabouts.

4. Prior to his departure however, we did have him execute an assignment for the referenced provisional application, a copy of which is attached. I was under the impression at that time that, with this assignment in hand, we would not need to have further contact with Mr. Frakes.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

  
Michael J. Lande, CEO  
Sessio, Inc.

Date 11/24/99